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ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

**PART 603
MEDICATION**

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Section 603.10 Pre-Race Saliva Tests

- a) The stewards may require that any horse entered to race submit to a pre-race saliva test.
- b) If the pre-race saliva test is positive for a foreign substance, other than those substances authorized for use by Section 603.60 or 603.70, the subject horse shall be scratched and the trainer shall be fined \$100.
- c) A trainer who receives a second positive on a pre-race saliva test shall be suspended for 30 days.
- d) A trainer who receives a third positive on a pre-race saliva test shall be suspended for 180 days.
- e) A trainer who has received three positive reports on pre-race saliva tests shall be suspended for one year for each additional positive thereafter.

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Section 603.20 Racing Soundness Exam

Every horse entered to race shall be subjected to a racing soundness exam on race day conducted by an official veterinarian. The State veterinarian shall keep or cause to be kept a continuing health and racing soundness record of each horse examined.

Section 603.30 Foreign Substances and Pharmaceutical Aids Banned

- a) Except as provided in Sections 603.60 and 603.70, no horse participating in a race, or entered to participate in a race and not scratched by the day of the race, shall carry in its body any foreign substance.
- b) No horse participating in a race shall carry in its body any pharmaceutical aids. Although pharmaceutical aids do not contain any pharmacodynamic and/or chemotherapeutic agents, these foreign substances interfere with testing and may mask the presence of other foreign substances.
 - 1) If the laboratory finds a pharmaceutical aid in a post-race test sample of any horses of a trainer, the stewards shall impose a civil penalty not to exceed \$1000.
 - 2) If the presence of the pharmaceutical aid occurred due to the negligence of the veterinarian attending the horse, the veterinarian shall be penalized in addition to, or instead of, the trainer.
- c) Any person who knowingly enters a horse in a race that carries in its body during the race any foreign substance, other than those substances listed in Sections 603.60 and 603.70, shall have his/her license suspended or revoked, and may also be subjected to a civil penalty.

Section 603.40 Twenty-four Hour Ban

Except as provided in Section 603.70:

- a) No substance shall be administered to a horse entered to race by hypodermic injection within 24 hours prior to the scheduled post time for the race in which the horse is entered.
- b) No foreign substance shall be administered to a horse entered to race, by oral administration, nasogastric tubing, topical administration that can penetrate the skin, rectal infusion, suppository, or inhalation, within 24 hours prior to the scheduled post time for the race in which the horse is entered.

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Section 603.50 Trainer Responsibility

- a) Each trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any foreign substance in violation of this Part.
- b) Each trainer has the duty to be familiar with the medication rules of the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to administer, and that are administered by his/her veterinarian.
- c) Each trainer has the duty to have each horse trained by him/her in its assigned security stall in accordance with 11 Ill. Adm. Code 436.

Section 603.55 Prima Facie Evidence

A determination by the laboratory of the presence of a foreign substance in a test sample shall constitute prima facie evidence that the trainer has violated Section 603.30(c) or has failed in the duties specified in this Part.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
 - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, pyrilamine, isoxsuprine and ketoprofen.
 - 3) The threshold level of phenylbutazone shall be less than 5.0 micrograms (mcg) per milliliter (ml) of serum or plasma. The threshold level for oxyphenylbutazone shall be less than 5.0 mcg/ml of serum or plasma. However, the threshold levels of phenylbutazone and oxyphenylbutazone for graded thoroughbred stakes races shall be less than 2.0 micrograms per milliliter of serum or plasma.
 - A) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 2.0 micrograms but less than 5.0 micrograms of serum or plasma, the trainer shall be subject to a written

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warning.

- B) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 5.0 mcg/ml but less than 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
 - i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.

- C) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
 - i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.

- 4) The threshold level of flunixin shall be less than 20.0 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 10.0 ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:
 - A) flunixin greater than or equal to 20.0 ng/ml but less than 100.0 ng/ml or ketoprofen greater than or equal to 10.0 ng/ml but less than 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
 - i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000

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and a 15 day suspension.

- B) flunixin greater than or equal to 100.0 ng/ml or ketoprofen greater than or equal to 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
 - i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, pyrilamine, isoxsuprine and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.
- 7) Penalties for violations of this Section shall be based on the following criteria:
 - A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the

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following foreign substances, commonly referred to as anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drugs, may be present in the body of a horse participating in a race.

1) Anti-Bacterials

Amikacin
Ampicillin
Ampicillin sodium
Azolsulfamide
Chloramphenicol
Doxycycline
Enrofloxacin (Baytril)
Erythromycin sulfate
Gentamicin sulfate
Kanamycin sulfate
Methenamine
Metronidazole
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

4) Anti-Ulcers

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Cimetidine (Tagamet)
Omeprazole (Prilosec or GastroGard)
Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, anti-protozoal and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; December 2011 version 3.00; this incorporation includes no later amendments or editions).
- f) Official test samples may contain the following drug substance, or its metabolites, in an amount that does not exceed the threshold level:
 - 1) The threshold level of isoxsuprine shall be less than 1,000.0 ng/ml in urine.
 - 2) The threshold level of pyrilamine shall be less than 50.0 ng/ml in urine.
- g) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.

Section 603.70 Furosemide

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome, this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.

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b) Eligibility for Furosemide Treatment

A horse is eligible to race with furosemide if at least one of the following occurs:

- 1) The horse is on the Illinois Furosemide List and has complied with subsection (c);
- 2) The horse is on the Illinois Bleeder List and has complied with subsection (d);
- 3) The trainer provides the State Veterinarian or his or her designee with evidence that the horse is on the Furosemide List or Bleeder List in another racing jurisdiction. Acceptable evidence shall be a furosemide or bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the furosemide or bleeder certificate;
- 4) The trainer provides the State Veterinarian or his or her designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for standardbreds shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

c) Furosemide List

Furosemide shall be administered to a horse that is entered to race only after the State Veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide

List, the following process shall be followed:

- 1) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide,

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they shall notify the State Veterinarian or his or her designee, using the prescribed form provided by the Board, that they wish the horse to be placed on the Furosemide List.

- 2) The form must be received by the State Veterinarian or his or her designee no later than the time of entry to ensure public notification prior to race participation.
 - 3) A horse placed on the Furosemide List must remain on that list until the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the State Veterinarian or his or her designee, on the proper form, no later than the time of entry.
 - 4) After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined, in consultation with the State Veterinarian, to be detrimental to the welfare of the horse. If a horse is removed from the Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.
- d) Bleeder List
- 1) The State Veterinarian shall maintain a Bleeder List of all horses that have demonstrated:
 - A) External evidences of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout, as observed by an official veterinarian.
 - B) Internal evidences of exercise induced pulmonary hemorrhage via endoscopy reported by a licensed practicing veterinarian on a Board approved form.
 - 2) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:
 - A) First incident – 14 days;
 - B) Second incident within a 365 day period – 30 days;
 - C) Third incident within a 365 day period – 180 days;
 - D) Fourth incident within a 365 day period – Barred from racing for its lifetime.
 - 3) For the purposes of counting the number of days a horse is ineligible

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to run, the day the horse bled is the first day of the recovery period.

- 4) After the expiration of the barred periods in subsections (d)(2)(A), (B) and (C), a horse must perform a workout, without bleeding, to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
 - 5) All horses on the Bleeder List that are eligible to race shall be administered furosemide pursuant to subsection (f).
- e) Furosemide Administration
- 1) All horses on the Furosemide List must be treated with furosemide in order to be permitted to participate in a race.
 - 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes prior to the scheduled post time of the race in which a horse is entered.
 - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 500 mg of furosemide by single intravenous injection and shall verify the administration on Board prescribed affidavits no later than one hour prior to the post time for the race for which the horse is entered.
 - 4) The trainer or his or her licensed employee shall witness the furosemide administration.
 - 5) The administration of furosemide may take place in the horse's own stall or in a centralized location.
 - 6) Failure to administer furosemide in accordance with subsection (e)(2) may result in the horse being scratched from the race by the Stewards and the trainer may be fined not less than \$200 and not more than \$500.
- f) Removal from Bleeder List
- 1) Once a horse is placed on the Bleeder List, it must continue to race with furosemide unless the removal from the list is approved by the State Veterinarian. The State Veterinarian may remove a horse from the Bleeder List upon written request of the trainer if the horse's performance is negatively affected by the use of furosemide or if the horse has an adverse physiological reaction to furosemide.

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- 2) Once removed from the Bleeder List, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A standardbred horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the State Veterinarian approves the removal of the horse from the Bleeder List. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding, to the satisfaction of the State Veterinarian. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

g) Absence of Furosemide

In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1,500.

h) Excessive Use of Furosemide

- 1) The test level for furosemide shall not be in excess of 100 nanograms (ng) per milliliter (ml) of serum or plasma.
- 2) The first time the laboratory reports an amount of furosemide in excess of 100 nanograms, the trainer shall be fined \$250.
- 3) The second time the laboratory reports an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$500.
- 4) For a third or subsequent laboratory report of an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$1,000 and/or suspended for 15 days and the purse shall be redistributed.
- 5) When imposing penalties, the stewards shall consider the criteria in Section 603.160(b)(3), (4), (5) and (6) of this Part.

i) Trainer's Responsibilities for Horses on the Furosemide List

- 1) The trainer shall be responsible for:
 - A) providing the racing office at the time of entry with accurate

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information regarding the use of furosemide on horses he/she enters to race;

- B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
- C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
- D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
- E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
- F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).

- 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (i).

j) Veterinarian's Responsibilities

- 1) The practicing veterinarian shall be responsible for:
 - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
 - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
- 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (j).

k) Security

- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to

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leave the “security stall” to engage in exercise blow-outs or warm-up heats.

- 2) The barn area is a secure area and shall be under the supervision of the Board.
 - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
 - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board’s laboratory for analysis.
 - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- l) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoylcegonine (a metabolite of cocaine):
 - 1) Each time the laboratory reports benzoylcegonine less than 150.0 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoylcegonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.
 - 2) Laboratory reports of benzoylcegonine, greater than or equal to 150.0 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; December 2011 version 3.00; this incorporation includes no later amendments or editions).
- b) Dimethyl Sulfoxide (DMSO):

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The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.

Section 603.80 Possession of Needles, Syringes and Injectables Prohibited

- a) No person, except a veterinarian, shall have in his possession, within any race track enclosure, any hypodermic syringe, needle or any other instrument capable of being used for the injection of any chemical substance into any horse, except as provided herein.
- b) Any person may possess, on the grounds of an organization licensee, any hypodermic syringe or needle for the purpose of administering to himself a chemical substance provided that a person has notified the state stewards in writing:
 - 1) of the possession of such device,
 - 2) of the size of such device, and
 - 3) of the chemical substance to be administered by such device.
- c) No person, except a veterinarian, shall have in his possession on the grounds of an organization licensee, any substance prepared for the purpose of being injected into any animal or human, except as provided in this subsection (c). Any person may possess, on the grounds of an organization licensee, any chemical substance for use on his/her own person, provided that, if such chemical substance is a prescription drug, such person is in possession of documentary evidence that a valid prescription for such prescription drug has been issued to such person.

Section 603.90 Drugs, Chemicals and Prescription Items

- a) No veterinarian or any other person shall have in his or her possession or administer to any horse within any race track enclosure any chemical substance that:
 - 1) has not been approved for use on equines by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act (21 USC 301 et seq.) and implementing regulations, without prior written approval from the State Veterinarian and the Executive Director or his or her designee;
 - 2) is on any of the schedules of controlled substances prepared by the Attorney General of the United States pursuant to 21 USC 811 and 812, without prior written approval from the State Veterinarian and the Executive Director or his or her designee; or

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- 3) the possession and/or use, on the premises of a facility under the jurisdiction of the Board, of any drug, substance or medication specified in this subsection (a)(3) for which a recognized analytical method has not been developed to detect and confirm its administration, or the use of which may endanger the health and welfare of the horse or the safety of the rider or driver.
 - A) Erythropoietin (EPO)
 - B) Darbepoietin
 - C) Snake venom
 - D) Snail venom
 - E) Bee Venom
- b) The State Veterinarian and Executive Director or his or her designee shall not give approval under subsection (a) unless the person seeking approval can produce evidence in recognized veterinary journals or by recognized equine experts that the chemical substance has a beneficial, therapeutic use in horses.
- c) No person except a veterinarian shall have in his or her possession within a race track enclosure any prescription drug, except as provided in this Section.
- d) A person may possess a prescription drug for animal use if:
 - 1) The person possesses, within the race track enclosure, documentary evidence that a prescription has been issued for the prescription drug;
 - 2) The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug; and
 - 3) The horse or horses named in the prescription are in that person's care within the race track enclosure.

Section 603.100 Detention Barn

Every organization licensee shall provide a detention barn where test samples shall be taken under the supervision of the State Veterinarian. The detention barn shall satisfy standards prescribed by the State Veterinarian and shall be approved by the Board. In

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addition, every organization licensee shall furnish, during racing hours, a guard whose duty shall be to assist Board employees in the detention barn. The guard shall remain on duty until the last specimens have been taken for that racing day. All persons who wish to enter the detention barn area must be a minimum of 16 years old, be currently licensed by the Board and have a legitimate reason for being in the detention barn area.

Section 603.110 Test Samples

- a) The winning horse in every race and any other horse or horses selected at the discretion of the stewards, shall have taken from it test samples.
- b) Any person having the care, custody, and/or control of any horse who shall refuse to submit such horse for test samples shall have his license suspended for not less than 30 days and such horse shall be disqualified.
- c) Test samples shall be taken under the supervision of the State veterinarian by persons appointed by the Board. During the taking of such test samples, the owner or trainer or his/her representative or employee shall be present at all times.
- d) The test samples shall be sealed by the State veterinarian or those under his/her supervision and the evidence of such sealing shall be witnessed by the signature of the owner or trainer or his/her agent or employee.

Section 603.120 Referee Samples

- a) For each horse tested, one portion of the test sample (hereinafter referred to as the "referee sample") shall be preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the Board laboratory.
- b) If the owner, trainer or other person charged with a violation of this Section desires to send the referee sample to another laboratory for testing, the cost of shipment and of testing at another laboratory shall be borne by the person requesting the additional tests.
- c) If the owner, trainer or other person charged with a violation of this Section desires additional testing to be performed by the Board laboratory, the cost of the testing shall be borne by the person requesting the additional tests.
- d) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

Section 603.130 Laboratory Findings and Reports

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- a) If the laboratory determines that a foreign substance, or any metabolite thereof, is a constituent in a test sample, the laboratory shall report such determination to the Executive Director of the Board, the stewards and to the state veterinarian.
- b) If the laboratory analysis of a test sample is concluded after the end of a meet in which the test sample was taken, the laboratory shall make its report or finding to the Executive Director of the Board. The Executive Director shall refer such report or finding to the stewards at another race meeting or directly to the Board. In making such referral, the Executive Director shall consider the location of the trainer, the availability of stewards, and the Board's schedule for hearings.

Section 603.140 Distribution of Purses

- a) The Board recognizes that occasionally post-race specimens do not reach the laboratory within 72 hours nor can all samples be thoroughly analyzed within 72 hours. However, as a convenience to horsemen, all purse money shall be distributed no later than 72 hours after a race, unless the laboratory has issued a report to the stewards pursuant to these rules.
- b) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no foreign substance has been administered in violation of these rules to the horse winning such purse money.
- c) Upon receipt of a positive laboratory report, the stewards or the Executive Director of the Board shall immediately direct that no purse money shall be awarded to the horse in question pending a final determination by the stewards or the Board of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall notify the owner, trainer, and any other person having care or custody or control of the horse. If the purse money has been distributed, the stewards or the Executive Director shall order it returned pending determination of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall proceed to conduct an inquiry or the Board shall conduct an inquiry or hearing.
- d) If the report of a laboratory is not contested or if the stewards or the Board determine that the laboratory report is accurate, all purse money won by the horse in the race in question shall be forfeited and redistributed among the remaining horses according to their order of finish, except as provided in Section 603.160. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.
- e) If no positive laboratory report has been issued to the stewards or the Board within 60 days after the date of a race, the owner of a horse shall become

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legally entitled to the money in the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met. Provided, however, positive laboratory reports issued more than 60 days after the date of a race may be considered by the stewards or the Board as evidence of a rule violation under Sections 603.50, 603.60, or 603.70.

- f) If a positive laboratory report has been issued, whatever remains of that particular test sample shall be retained until all legal proceedings have been concluded.

Section 603.150 Post Mortems

- a) Every horse which suffers a breakdown on the race track in training or in competition, and is destroyed, and every other horse which expires while stabled on the race track under the jurisdiction of the Board, shall undergo post-mortem examination at a time and place acceptable to the official veterinarian to determine the injury or sickness which resulted in euthanasia or natural death, except as provided herein:
 - 1) In the case of breakdowns, an examination of the affected area by a licensed veterinarian in the presence of, and in consultation with, the official veterinarian shall be sufficient; however, test samples shall be required.
 - 2) A post-mortem shall not be required if in the opinion of the State veterinarian a post-mortem is impractical or not necessary; however, test samples shall be required.
 - 3) Post-mortems shall not be required when death is due to fire.
- b) The post-mortem examination required under this Section shall be conducted by a veterinarian employed by the owner or the horse's trainer in the presence of and in consultation with an official veterinarian.
- c) Test samples must be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to the Illinois Racing Board laboratory for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine samples should be procured prior to the euthanasia.
- d) The owner of the deceased horse shall make payment of reasonable charges due to the veterinarian employed to conduct the post-mortem examination. The services of the State veterinarian and the laboratory testing of post-mortem samples shall be made available by the Board without charge to the owner.

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- e) A record of every such post-mortem shall be filed with the State veterinarian, or with the Board if the race meeting has ended, by the owner's veterinarian within 72 hours of the death and shall be submitted on a form supplied by the Board.
- f) Each owner and trainer accepts the responsibility for the post-mortem examination provided herein as a requisite for maintaining the occupational license issued by the Board.

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
 - 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
 - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;
 - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part, shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.

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- 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; December 2011 version 3.00; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.

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- D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
 - E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

Section 603.170 Veterinarian's Records

- a) All veterinarians licensed by the Board shall maintain records which accurately reflect: all purchases of medication, name of each horse treated, date of the treatment, method of administration, and prescription of medication and name of the trainer. All veterinarians shall also retain duplicate copies of their bills or statements to trainers or owners.
- b) These records shall be retained for at least three years and shall be made available for inspection upon request of the Board or its representative.

Section 603.180 Carbon Dioxide Tests

- a) The Board recognizes that an excess level of total carbon dioxide (TCO₂) in the race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state.
- b) Blood samples for TCO₂ levels may be drawn pre-race and/or post-race.
- c) The TCO₂ level in the blood shall be less than 37.0 millimoles per liter, plus the measurement uncertainty of the laboratory analyzing the sample.
- d) In the event a blood sample from a horse contains an amount of TCO₂ that is equal to or exceeds the levels described in subsection (c), the following penalties shall apply:
 - 1) The first time the laboratory reports an excessive TCO₂ level, the trainer shall be fined not less than \$500 and not more than \$1,000, the purse shall be redistributed and the trainer shall be ordered suspended for at least 15 days but not to exceed 60 days. In addition, the horse shall be subject to "early detention" for a period identical to the length of the trainer's suspension. Early detention in Illinois shall be defined as pre-race guarded quarantine, on the grounds of the

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Illinois organization licensee, beginning no less than 6 ½ hours prior to the scheduled post time for the horse's race.

- 2) The second time the laboratory reports an excessive TCO₂ level in a 365 day period in any jurisdiction, the trainer shall be ordered suspended for at least 30 days but not to exceed 180 days and fined not less than \$1,000 and not more than \$2,500 and the purse shall be redistributed. In addition, the horse shall be subject to early detention in Illinois for a period identical to the length of the trainer's suspension.
 - 3) For a third or subsequent report of an excessive TCO₂ level in a 365 day period in any jurisdiction, the trainer shall be ordered suspended for at least 60 days but not to exceed 365 days and fined not less than \$2,500 and not more than \$5,000 or 5% of the purse (greater of the two) and the purse shall be redistributed. The horse shall be subject to early detention in Illinois for a period identical to the length of the trainer's suspension. In addition, absent mitigating circumstances, the owner shall be fined \$5,000.
- e) If the levels of TCO₂ are determined to equal or exceed those set forth in subsection (c), and the licensed owner or trainer of that horse contends in writing to the stewards within 24 hours after notification of the results that such levels are physiologically normal for that particular horse, the licensee may, by such writing, request that the horse be held in quarantine. In the event quarantine is requested, the organization licensee shall make guarded quarantine available, for a period of time to be determined by the stewards but in no event more than 72 hours, at the sole expense of the licensee. During any quarantine, the horse shall be re-tested periodically and, although the horse may not race during the quarantine period, it shall be exercised and trained at times prescribed by the organization licensee, consistent with the ability to monitor the horse. The horse will only be fed hay, oats and water during the quarantine period. If the stewards are satisfied, on the basis of the evident facts, the quarantine, and the testing of the horse's blood during the quarantine period, that the level of TCO₂ set forth in subsection (c) is physiologically normal for that particular horse, the stewards shall not order the penalty set forth in subsection (d).
- f) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing. Split sample analyses of TCO₂ must be run in parallel with the official sample at the official laboratory in order to avoid delays in testing that result in lower TCO₂ values as a result of sample degradation.

Section 603.190 Erythropoietin and Darbepoietin Antibody Testing Program

A finding by the Illinois Racing Board Equine Testing Laboratory, or other Board-

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approved laboratory, that a pre-race or post-race sample taken from a horse entered to start in a race has high titers of antibodies against erythropoietin or darbepoietin, utilizing the anti-recombinant human EPO antibody test, shall establish that the horse is unfit to race in any subsequent race and shall result in the following actions by the Board:

- a) The Stewards shall be notified of the name of the horse for placement on the Stewards' list. The horse shall not be entered or allowed to race in any subsequent race until the horse has tested negative for the antibodies of erythropoietin or darbepoietin. An owner or trainer whose horse has tested positive for high titers of erythropoietin or darbepoietin antibodies may not request the horse be retested until 21 days following the date of the initial positive test.
- b) All requests after the initial positive test for the retesting of a horse shall be in writing and directed to the Stewards, accompanied by a \$50 payment for administrative and testing costs. Following receipt of a timely request for retesting, the presentation of the horse at a permitted racetrack premises in the State of Illinois approved by the Stewards, and the receipt of the \$50 retesting fee, the Stewards shall direct the State Veterinarian to take a blood sample from the horse for the purpose of retesting.
- c) A horse shall not be subject to disqualification from the race, or from any share of the purse in the race, nor shall the trainer of the horse be subject to a penalty based solely upon a finding by the laboratory that the antibody of erythropoietin or darbepoietin was present in the sample taken from that horse.
- d) A horse that tests positive with the anti-recombinant human EPO antibody test remains subject to the requirements of this Section despite being sold or otherwise transferred.
- e) The split sample testing provisions of Section 603.120 shall not be applicable to erythropoietin or darbepoietin antibody testing conducted pursuant to this Section.

Section 603.200 Out of Competition Testing

- a) Any horse on the grounds of a racetrack under the jurisdiction of the Board, or stabled off-track, while under the care or control of a trainer or owner licensed by the Board, is subject to testing for blood and/or gene doping agents, with reasonable notice. This Section does not apply to therapeutic medications approved by the FDA for use in the horse.
- b) Horses to be tested may be selected at random, with probable cause, or as determined by the Board for out of competition testing. The trainer is responsible to have the horse or horses available at a designated time and

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location (racetrack).

- c) The Board Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the Board, may, at any time, take a urine, blood or hair sample from a horse for out of competition testing.
- d) Prohibited substances, practices and procedures are defined as:
 - 1) blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, oxyglobin, hemopure, aranesp, or any substance that abnormally enhances the oxygenation of body tissues.
 - 2) gene doping agents or the non-therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.
- e) Cooperation with the Board Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the Board, includes:
 - 1) assisting in the immediate location and identification of the horse selected for out of competition testing;
 - 2) providing a stall or safe location to collect the samples;
 - 3) assisting the veterinarian in properly procuring the samples; and
 - 4) obeying any instructions necessary to accomplish the requirements of this Section.
- f) Referee samples will be collected pursuant to Section 603.120.
- g) The Board may suspend, exclude and/or otherwise penalize any licensee or other person who does not fully cooperate with a Board employee or representative while taking action to enforce this Section.
- h) Out of competition samples will be sent to the official laboratory of the Board, or other laboratory as designated by the Board.

Section 603.210 Androgenic - Anabolic Steroids (AAS)

- a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.
- b) Concentrations of these AAS shall not exceed the following threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite

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liberated from its conjugates) drug:

- 1) In urine:
 - A) 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex.
 - B) Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings; – 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.
 - C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) –
 - i) In geldings - 1 ng/ml in urine.
 - ii) In fillies and mares – 1 ng/ml in urine.
 - iii) In male horses other than geldings – 45 ng/ml of metabolite , 5 α -oestrane-3 β ,17 α -diol in urine.
 - D) Testosterone -
 - i) In geldings – 20 ng/ml in urine.
 - ii) In fillies and mares – 55 ng/ml in urine.
 - iii) Male horses other than geldings will not be tested; or
- 2) In plasma:
 - A) Stanozolol – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for all horses regardless of sex.
 - B) Boldenone – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for all horses regardless of sex.
 - C) Nandrolone – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for geldings and fillies and mares. Male horses other than geldings will not be tested.
 - D) Testosterone -
 - i) In geldings – screening limit no greater than 100 pg/ml

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- in serum or plasma with a confirmatory threshold no greater than 25 pg/ml.
- ii) In fillies and mares – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml.
 - iii) In male horses other than geldings –confirmatory threshold no greater than 2,000 pg/ml in serum or plasma.
- c) All other AAS are prohibited in racing horses.
 - d) Post-race urine and blood samples collected from intact males must be identified to the laboratory.
 - e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian’s list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 7570, effective August 25, 2009; emergency amendment at 35 Ill. Reg., effective December 17, 2010 for a maximum of 150 days; emergency amendment at 35 Ill. Reg., effective January 26, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a

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maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; amended at 36 Ill. Reg., effective January 1, 2012; amended at 36 Ill. Reg. _____, effective August 1, 2012.